

## ***BUDGET & FINANCE COMMITTEE***

***Of the***

### ***Suffolk County Legislature***

A meeting of the Budget & Finance Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, 725 Veterans Memorial Highway, Smithtown, New York, on March 28, 2006.

#### **Members Present:**

Legislator Ricardo Montano • Chairman  
Legislator Louis D'Amaro • Vice•Chair  
Legislator Jon Cooper  
Legislator Vilorio•Fisher  
Legislator Cameron Alden  
Legislator Daniel Losquadro  
Legislator Jay Schneiderman

#### **Also In Attendance:**

Presiding Officer William Lindsay • District #8  
George Nolan • Counsel to the Legislature  
Bob Martinez • Aide to Legislator Montano  
Barbara LoMoriello • Aide to Presiding Officer Lindsay  
Mike Cavanaugh • Aide to Presiding Officer Lindsay  
Eric Brown • Aide to Legislator Schneiderman  
Kevin Cepelak • Aide to Legislator Cooper  
Linda Bay • Aide to Minority Caucus  
Paul Perillie • Aide to Majority Caucus  
Carl Yellon • Aide to Legislator Kennedy

Renee Ortiz • Chief Deputy Clerk of the Legislature  
Lance Reinheimer • Assistant Director/Budget Review Office  
Robert Lipp • Chief Economist/Budget Review Office  
Ben Zwirn • Assistant County Executive  
James Dahrough • County Executive Assistant  
Tom Vaughn • County Executive Assistant  
Deena Cohen • Mothers Against Drunk Driving  
Richard Roth • Nassau County Arbitrators  
Liz Pearsall • Director of PERB for Suffolk County  
Lynne Bizzarro • Chief Deputy County Attorney  
Alexander Sullivan • Legislative Liaison/AME  
All Other Interested Parties

**Minutes Taken By:**

Alison Mahoney • Court Stenographer

***(\* The meeting was called to order at 9:41 A.M. \*)***

**CHAIRMAN MONTANO:**

We will begin with the Pledge of Allegiance led by Legislator D'Amaro.

***Salutation***

Thank you. We don't have any correspondence, but I do want to make an announcement. Anyone from the public that wishes to be included as part of the record should sign in at the front entrance, otherwise your name will not go into the record; so if you're desirous of having your name in the record, please do so.

All right, we're going to begin. We have two speakers today for the public portion part, Deena Cohen who is representing Mothers Against Drunk Driving; is Deena here? Deena, you have three minutes; come forward, please.

**MS. COHEN:**

Good morning. My name is Deena Cohen, President and Victim Advocate for Mothers Against Drunk Driving. First I'd like to thank you for giving me the opportunity to speak here today. The reason for my being here today is to ask you to please pass legislation allowing the use of the ankle bracelet for drunk driving •• for drunk drivers on probation; this is a life•saving tool. I can't see how Suffolk County can't afford ••

**LEG. LOSQUADRO:**

Yeah.

**MS. COHEN:**

•• not to try this new technology.

**LEG. LOSQUADRO:**

Ms. Cohen, through the chair, if I may.

**CHAIRMAN MONTANO:**

Go ahead.

**LEG. LOSQUADRO:**

I know we had reached out to you prior to the last meeting, but I would like to thank many of my colleagues. That bill I was able to discharge on the floor and we passed seventeen to nothing with one individual who was not able to make it to the meeting. So I'm very happy to tell you ••

**MS. COHEN:**

Wonderful. So I can go home.

**LEG. LOSQUADRO:**

•• that we moved that forward.

**LEG. SCHNEIDERMAN:**

Congratulations.

**LEG. COOPER:**

Good job.

**LEG. LOSQUADRO:**

When I saw you, I really thought there was something else.

**MS. COHEN:**

No, nobody let me know.

**LEG. LOSQUADRO:**

I apologize. Well, very good news for you.

**MS. COHEN:**

That's wonderful. So when do we get these things?

**LEG. LOSQUADRO:**

Well, at this point ••

**MS. COHEN:**

Are they here yet?

**CHAIRMAN MONTANO:**

The bill is on the County Executive's desk, right.

**LEG. LOSQUADRO:**

Exactly, the County Executive has to sign•off on it and the Probation Department has to get the money and get it implemented, so. But we passed the bill, we've set the policy and now it's up to the Executive Branch to administrate it.

**MS. COHEN:**

Wonderful. Thank you. Now I will go home.

**CHAIRMAN MONTANO:**

You still have three minutes, if you want to say something.

**LEG. LOSQUADRO:**

Go around the corner, knock on the door at the 12th floor and tell them the sooner the better.

**MS. COHEN:**

And you know what? I just might. Thank you, all.

**LEG. LOSQUADRO:**

Thank you.

**CHAIRMAN MONTANO:**

Thank you. Our next speaker is Richard Roth and he's representing the Nassau County Arbitrators.

***(\*Presiding Officer Lindsay entered the meeting at 9:45 A.M. \*)***

**MR. ROTH:**

Good morning, gentlemen. I really don't know if I'm representing all of the Nassau County Arbitrators, but I'm the only one here. I have been a labor arbitrator for over ten years, I reside in Nassau County, I'm on all the panels such as the American Arbitration Association, I'm a member of the National Academy of Arbitrators. I previously served as the Assistant Regional Director of the NORB of Region 29 for over 30 years. I am here to speak against the so-called Scheinman rule that prohibits Nassau County arbitrators from serving on any panels emanating out of Suffolk County.

I view such a rule as arbitrary and capricious, it seems to be vindictive against Nassau County arbitrators. I don't see any real rationale for the rule. I recall some of the past history that led to that rule going into effect, but I don't see why the actions of one arbitrator should reflect on all the other arbitrators of good faith in Nassau County who are willing to serve. You are restricting my ability to make a living by having that rule in effect and I urge you to consider eliminating that rule. That's really all I have to say.

**LEG. ALDEN:**

Mr. Chairman?

**CHAIRMAN MONTANO:**

Cameron.

**MR. ROTH:**

I will entertain any questions you might have.

**CHAIRMAN MONTANO:**

Thank you. We do have some questions. I'll start with just one question; do you know how many arbitrators there are in Suffolk and Nassau such as yourself?

**MR. ROTH:**

I don't have a count, no, I don't, but I would say probably less than a hundred.

**CHAIRMAN MONTANO:**

Less than a hundred?

**MR. ROTH**

Yeah.

**CHAIRMAN MONTANO:**

Then I'll ask another question; how does one get to become an arbitrator, if one wanted to join the ranks of the 100 or so arbitrators?

**MR. ROTH:**

Well, it's a very restrictive process for the American Arbitration Association. You need recommendations from three members of management, three members of labor, three neutrals. And even if you secure those recommendations, at this point the AAA has restricted entry on to their panels because there does seem to be a glut of arbitrators overall in the metropolitan area.

**CHAIRMAN MONTANO:**

One hundred is a glut?

**MR. ROTH:**

Well, 100 in Nassau and Suffolk County. That's just a figure I took out of the air, I really don't know how many there are.

**CHAIRMAN MONTANO:**

All right, no problem. I'm going to •• I think Legislator Alden has some questions. Legislator Alden?

**LEG. ALDEN:**

Well, actually kind of just one, maybe two, maybe three. But did you come down in '98 when we originally passed that bill and make your feelings known?

**MR. ROTH:**

No, I did not.

**LEG. ALDEN:**

But for the last eight years •• you know, you're saying now, you're testifying before us now that it's a restriction on your ability to make a living. The last eight years there was a restriction on your ability to make a living? Because this law has been in effect for eight years.

**MR. ROTH:**

Well, yes, of course, it's been a restriction. There have been •• I have had interest from ••

**LEG. ALDEN:**

So there's not enough work for the arbitrators?

**MR. ROTH:**

I've had interest from various labor organizations and employers in Suffolk County who would like to appoint me to the panel but are unable to do so; so to that extent it's restricting my ability to make a living.

**LEG. ALDEN:**

Well, also the licensing restricts your ability and my ability and everybody else's ability to make a living. Because as you stated before, it's very restrictive as far as being able to become an arbitrator, so it's not really an

open process, it's very restrictive now. So the laws kind of protect those people that are arbitrators right now, not allowing any new people in or other people to come into those ranks. So I'm really not sure a hundred percent that ••

**MR. ROTH:**

Well, if the rationale for restricting arbitrators is because there's a glut of arbitrators ••

**LEG. ALDEN:**

A glut, right.

**MR. ROTH:**

•• that's one thing. But my understanding is that's not the reason for it; the reason for it is the actions of one arbitrator.

**LEG. ALDEN:**

Who was killing the taxpayers in Suffolk County, let's face the facts right there.

**MR. ROTH:**

Yes, right.

**LEG. ALDEN:**

And you know what's happened since then? We haven't had that ratcheting up that was preceding that point where the same arbitrator would use the rationale that in Nassau County, "Oh, they just got this much money," but he never mentioned that it was because he gave them that much money. Then he came over to Suffolk and said, "Look what they're making in Nassau," he gave the award over there. So I think it was a very rational decision on our part to exclude arbitrators that would do that to Nassau and Suffolk and it's saving our •• and that's the rationale behind it, to save our taxpayers money. And if we're going to go back to the old system and our taxpayers are going to get killed, you know, too bad as far as you don't get as much work as you could get; fine, it's a restricted position anyway and there's a glut of arbitrators. So, you know, those might be market situations rather than the action that Suffolk County took to protect its taxpayers.



That's why I'm just surprised that, you know, after eight years you would come down and say, you know, that it's a very restrictive type of law and it's hurting you and hurting your ability to make a living.

**MR. ROTH:**

Well, I don't accept your premise that all arbitrators would use the same analysis of leapfrogging, you know, contracts one on to the other. You know, every arbitrator has its own analysis of the facts and just because you live in Nassau County doesn't mean you're going to escalate the cost, compare the costs of Suffolk County to Nassau County; that's not the way I operate. Each case is on its own merits, on the facts that are given by the parties to you, so I think it's a ••

**LEG. ALDEN:**

I'm glad you operate that way, but in the past it hasn't been that operation and it really killed the taxpayers of Suffolk County, so.

**MR. ROTH:**

Well, of course your recourse is not to choose that arbitrator.

**CHAIRMAN MONTANO:**

Thank you. We have some questions from the Presiding Officer, Legislator Lindsay.

**P.O. LINDSAY:**

It's really •• I'm going to address him in the form of questions to Richard, but we're really going to get into the debate of the issue and some of it goes back to Legislator Alden's question. Richard, were you an arbitrator in 1998?

**MR. ROTH:**

Yes, I had been arbitrating for two years as of that time and I was just starting out. And it was difficult to get work when you ••

**P.O. LINDSAY:**

When did you leave?

**MR. ROTH:**

There wasn't that much work available.

**P.O. LINDSAY:**

When did you leave the NLRB, the National Labor Relations Board?

**MR. ROTH:**

I was responsible for all representation cases in the region, defining bargaining units, eligibility to vote in elections. I also was on one on the panels that decided the merits of unfair labor practices and I pretty much supervised the entire staff.

**P.O. LINDSAY:**

Okay. In the arbitration •• I know there's different forms of selecting arbitrators as you go from the public sector to the private sector. Have you ever seen a selection process where management doesn't have the right •• has the right to exclude an arbitrator?

**MR. ROTH:**

No.

**P.O. LINDSAY:**

So in other words, if •• whether it be management or labor, if that party feels there's a bias towards one side or the other ••

**MR. ROTH:**

Actually I take it back, I'm sorry. I'm on the Nassau County panels.

**P.O. LINDSAY:**

Okay.

**MR. ROTH:**

And under the Nassau County contract, each party has the unilateral right to take one person off the panel.

**P.O. LINDSAY:**

Okay. But isn't that a norm in any arbitration process? The triple A process,

I mean, you have a right to strike anybody ••

**MR. ROTH:**

Right.

**P.O. LINDSAY:**

•• from your initial panel.

**MR. ROTH:**

It's a mutual process. The way it works, you're probably familiar with it, is a list of ten is sent out to the parties and each party strikes out a name until they mutually agree on one person, and if they don't agree on that one person another set of names is sent out.

**P.O. LINDSAY:**

Are you familiar with the Interest Arbitration Panel that we use in Suffolk County for the police arbitrations?

**MR. ROTH:**

Not intimately.

**P.O. LINDSAY:**

Okay. Okay, thank you.

**CHAIRMAN MONTANO:**

Anyone else? Mr. Roth, thank you very much.

**MR. ROTH:**

Thank you.

**MS. PEARSALL:**

May I speak?

**CHAIRMAN MONTANO:**

Oh, you're from the Labor Department? Go ahead.

**MS. PEARSALL:**

Good morning. My name is Elizabeth Pearsall, I'm the Director of the PERB for Suffolk County. Maybe I can answer some of those questions for you.

Right now we have a complement of 50 arbitrators, as per the rules of the Suffolk County PERB. The Suffolk County Police Department, after 1998, they moved their business to New York State PERB. We no longer handle their arbitrations, they simply request that New York State send them a panel. So it really doesn't matter because New York State is not bound by the rules, nor is the Suffolk County PERB. We use the panel that is either sent by the 50 or in their collective bargaining agreement, if they agree on a smaller panel then I would use that panel to send them a list where they would use a striking process to determine who would be the last man standing.

**CHAIRMAN MONTANO:**

Is this for just the Police Department or across the board?

**MS. PEARSALL:**

Across the board, anybody that has interest arbitration; the Sheriffs, usually it's the peace officers.

**CHAIRMAN MONTANO:**

Okay. Any questions? Legislator D'Amaro.

**LEG. D'AMARO:**

Good morning, Ms. Pearsall. Thank you for helping out.

**MS. PEARSALL:**

Okay.

**LEG. D'AMARO:**

I just want to understand what you're saying. Are you saying that the effect •• this law had an effect when it was passed but because the process has changed it's no longer having the same effect it was intended to have in the arbitration process?

**MS. PEARSALL:**

Yes. The unions can request an arbitration panel from either New York State or the County, and what they simply did was to start to request the panel from the State.

**LEG. D'AMARO:**

So the individual who may have been excluded under the 1998 legislation could still be included if you simply request the panel through the State procedure; is that accurate?

**MS. PEARSALL:**

He would be included even if they had used Suffolk County. I am not allowed to exclude them, that would be against the rules and regulations of the PERB.

**LEG. D'AMARO:**

But ••

**MS. PEARSALL:**

It is up to the Labor Relations Director to strike any individuals that he feels would not be appropriate and that •• the rule that was passed simply said he had to strike them.

**LEG. D'AMARO:**

No, I think the rule kept the arbitrator off the list from the get•go, from the beginning.

**MS. PEARSALL:**

No. No, you don't have the authority. The PERB is independent.

**LEG. D'AMARO:**

So your list would include anyone who was intended to be excluded by the 1998 legislation; is that correct?

**MS. PEARSALL:**

I would include it. The way we do it is we do it on a •• we try to be fair and

go across and give everybody •• there's a panel of 50, so we will •• if I have to submit nine names, I will go across the board and see and try to do it, rotate them. And if Scheinman's name came up, Scheinman was on the list and then the Director of the Employee Relations would simply strike him.

**LEG. D'AMARO:**

Let me ask the question one other way just so it's clear in my mind. If there were an arbitrator who rendered services in a Nassau arbitration, is it possible with this law not being repealed, it's still in effect, for that arbitrator to still wind up in an arbitration in Suffolk County?

**MS. PEARSALL:**

Absolutely.

**LEG. D'AMARO:**

Absolutely. Okay, thank you.

**MS. PEARSALL:**

Okay.

**CHAIRMAN MONTANO:**

Legislator Alden?

**LEG. ALDEN:**

Legislator Lindsay was next.

**CHAIRMAN MONTANO:**

No, Lindsay ••

**P.O. LINDSAY:**

I didn't say anything, I was just ••

**CHAIRMAN MONTANO:**

Bill, didn't you get to speak? Do you want the floor, Legislator Lindsay?

**P.O. LINDSAY:**

No, go ahead.

**CHAIRMAN MONTANO:**

Legislator Alden, go ahead, followed by Legislator Cooper.

**LEG. ALDEN:**

Okay, just a couple of questions to clarify the process. So you followed New York State Law, Labor Law rather than the Charter and the Laws of Suffolk County?

**MS. PEARSALL:**

We are •• we have rules and regulations that we had submitted to the New York State PERB and they had to approve those rules and regulations, and the rules and regulations are that we have a panel of 50 and we submit them on a rotating basis.

**LEG. ALDEN:**

So you're not bound by the jurisdiction you're in by their Charter and laws and rules and regulations?

**MS. PEARSALL:**

No, not as far as the arbitration panel, no.

**LEG. ALDEN:**

Who's the attorney for your board?

**MS. PEARSALL:**

Jeff \\_Naness\\_.

**LEG. ALDEN:**

Okay. And you feel comfortable with being in violation of Suffolk County Law?

**MS. PEARSALL:**

I'm not in violation of the law. The law specifically says, the way I read it was that the Suffolk County representative had to strike any individual who had made a decision in Nassau County. I don't make those choices, that would be the Director of Employee Relations, Jeff Tempera.

**LEG. ALDEN:**

So does Jeff follow that •• does he follow the Suffolk County Law?

**MS. PEARSALL:**

You'd have to ask Jeff, I don't know. I submit the names to the employer ••

**LEG. ALDEN:**

Oh, okay. So you might not even be aware of the fact that he's following the law ••

**CHAIRMAN MONTANO:**

Right.

**LEG. ALDEN:**

•• and then handing you a list of names that you can go out and use.

**MS. PEARSALL:**

Yeah, he doesn't need a law, though, he just needs direction from the County Executive to tell them, you know ••

**LEG. ALDEN:**

No, he's got to follow the law, too.

**CHAIRMAN MONTANO:**

All of us do.

**LEG. ALDEN:**

All of us have to follow the law.

**MS. PEARSALL:**

Well, he doesn't •• what I'm saying is he always had that authority to strike anybody that he wants to strike, that's his job.

**LEG. ALDEN:**

Well, no, I'm not talking about, you know, like that type of authority, I'm talking about •• you know, there's a Charter and there's a set of laws and



rules and regulations that Suffolk County has and you don't know really if he's following this law and being selective. And the 50 person list that you get, you don't know if he's already taken out the people that have participated in Nassau County within the past three years.

**MS. PEARSALL:**

He probably has, he probably has. But the Police Department simply moved to the State PERB and he still gets those same names on his list and he has to strike them as he would normally.

**LEG. ALDEN:**

Right. Now, getting back to the way you operate, so you actually try to be a little bit fair and spread the work out among 50 people, you won't go with the same five or six?

**MS. PEARSALL:**

No, no.

**LEG. ALDEN:**

So you'll on your own, if you have a list of 50, you won't always hand that whole 50 out, you'll take five or six ••

**MS. PEARSALL:**

We take five at a time.

**LEG. ALDEN:**

•• and then go down the list. You won't take that same five ••

**MS. PEARSALL:**

No.

**LEG. ALDEN:**

•• more than how many times in a row? Well, not times in a row. How long does it take you to get through a list?

**MS. PEARSALL:**

At five at a time, we usually receive maybe 15 to 20 grievances in a week. So it would •• 50 grievances, I mean, it's every few months where we are offering up the same five names, but that's for grievance arbitration, not for interest arbitration.

**LEG. ALDEN:**

Okay. Do you have contact with the arbitrators, direct contact yourself?

**MS. PEARSALL:**

Yes.

**LEG. ALDEN:**

Are they griping about the system, where you're being a little selective, putting in five names and then five ••

**MS. PEARSALL:**

I wasn't there originally in '98 when this law was passed ••

**LEG. ALDEN:**

Well, no, I mean now.

**MS. PEARSALL:**

But since then, no, I have not heard anything.

**LEG. ALDEN:**

Okay. Thank you.

**CHAIRMAN MONTANO:**

Are you done, Cameron?

**LEG. ALDEN:**

Yes.

**CHAIRMAN MONTANO:**

Legislator Cooper.

**LEG. COOPER:**

Good morning, Liz. I don't know if you can answer this, but do you know approximately how many arbitrations per year would be covered by the Scheinman law if it was indeed in effect?

**MS. PEARSALL:**

It only affects the peace officers that have interest arbitration, so it would be the Deputy Sheriffs, the Correction Officers, the Police Department, the Parks Police, those are the only ones that it would affect and it would be every contract. So it might not be, you know, four times in four years.

**LEG. COOPER:**

Right. So there are really not that many arbitrations that the law applies to in any case.

**MS. PEARSALL:**

No, this is for collective bargaining only.

**LEG. COOPER:**

Right. So I don't see how, if there are a hundred plus arbitrators in Nassau and Suffolk, precluding three or four of them at the most from serving multiple years would still leave a very large pool of arbitrators out there.

**P.O. LINDSAY:**

What bill number is this, by the way?

**LEG. COOPER:**

My other question is for Legislative Counsel. Were you aware that if the unions wanted to get around the Scheinman law, they had this option of going through the State process? And was that always the case or •• was that always the case or was that process made available in response to the Scheinman law?

**MR. NOLAN:**

I think, if I've got the witness' testimony correct, I don't think they're getting around the Scheinman Law. I think what she's saying is the County cannot agree to use these arbitrators who are covered by the law. The State may provide a list, but the County cannot consent to an arbitrator

who's made a decision in Nassau within the last three years. So it sounds to me like the law is being followed, it is my understanding that the law is being followed.

**LEG. COOPER:**

Whether it's the County list or the State list.

**MR. NOLAN:**

It doesn't matter. If the County is in a position of choosing an arbitrator or consenting to an arbitrator, we are not allowed, the County may not choose an arbitrator who has made a decision in Nassau County in the last three years, that's what the law says.

**LEG. COOPER:**

But there's no prohibition on the PBA, for example, choosing an arbitrator that had served within the past three years.

**MR. NOLAN:**

No, obviously the PBA would not be bound by this law.

**LEG. COOPER:**

Okay. So getting back to the purpose of the Scheinman law and the gentleman that spoke earlier, if we can stop someone like Mr. Scheinman from serving on an arbitration panel if he's the choice of the union, and if the County has the right to not select him if we don't like him or any other arbitrator, whether it's our representative or whether it's the third arbitrator that both sides are supposed to agree upon, then what is the •• what's to be gained by having the Scheinman law in place?

**MR. NOLAN:**

Well, ultimately the County can •• has the discretion to keep an arbitrator off, they can say, "No, we don't want this arbitrator," this law just says that we absolutely cannot. It kind of takes a choice out of Labor Relations hands when it comes to making that decision. They can't say, "Well, we're going to pick a person who's made a decision within the last three years in Nassau

County." We're telling them through this legislation from '98, they can't do that, so they have no discretion in that regard. That's the purpose of the '98 law.

**LEG. COOPER:**

All right. But practically, I mean, with the current County Executive, he clearly is not going to choose an arbitrator that he feels is going to rule contrary to the fiscal benefit of Suffolk County. I don't know what happened in the past.

**MR. NOLAN:**

I would trust •• you know.

**LEG. MYSTAL:**

Hold on.

**LEG. LOSQUADRO:**

Whoa, whoa, whoa.

**CHAIRMAN MONTANO:**

Let's ask the question of Counsel, I don't want this to go too far.

**LEG. COOPER:**

Did I cross the line there?

**CHAIRMAN MONTANO:**

No, but we don't want to start crossing lines.

**LEG. ALDEN:**

No, but I mean, it's a general statement; in answer to that, you can't base your law ••

**CHAIRMAN MONTANO:**

I will recognize Legislator Alden for purposes of rebutting that.

**LEG. ALDEN:**

Well, it's not a rebuttal. You can't rely on one individual and one individual personality because the government is bigger than that and it's going to be here after all of us are gone, hopefully. So you can't, you know, design something and say one person is going to hold the line when we all know that anything can happen. That person could actually run for higher office or leave office for other purposes or whatever, so that's not a good basis for good government.

**CHAIRMAN MONTANO:**

Okay.

**P.O. LINDSAY:**

We're debating the bill.

**CHAIRMAN MONTANO:**

I have Legislator Lindsay, I would like to give the Presiding Officer the last word on this. Is there anyone else that has any questions? Legislator Lindsay, go ahead.

**P.O. LINDSAY:**

I really just have a question and when we get to the bill, yeah, I'd like to go into more of the debate of the bill. Because truthfully, I really think it's •• did you ever hear that expression, throwing out the baby with the bath water? And I think that's what we're doing here. So Ms. Pearsall, just so I understand it, Mr. Scheinman still appears on our arbitration list.

**MS. PEARSALL:**

Yes, he does.

**P.O. LINDSAY:**

Yeah. And someone just told me last night that right today he's on the probation list, that would be correct, Probation Officers?

**MS. PEARSALL:**

I'd have to check, but he may be. There would be no reason why I would exclude him in the interest of fairness from a list that I submitted.

**P.O. LINDSAY:**

But the list that you have, you submit five names to parties for either grievance or interest arbitration?

**MS. PEARSALL:**

Interest arbitration is nine names.

**P.O. LINDSAY:**

Is nine names. Both parties have •• interest arbitration is about a contract, it's a contract award as opposed to a grievance arbitration, a disciplinary situation. So you submit nine names to the parties. Does Labor have the ability to strike any names on that list?

**MS. PEARSALL:**

Yes, they have a •• I submit the names and then they each strike one until there is one person left standing.

**P.O. LINDSAY:**

Okay, so management has the same right.

**MS. PEARSALL:**

Yes.

**P.O. LINDSAY:**

Okay. Thank you.

**MS. PEARSALL:**

You're welcome.

**CHAIRMAN MONTANO:**

Thank you very much.

Moving on, we're not going to have a presentation, at least not a formal one, but I did have a question of Budget Review and I shared this with them earlier. If I may.

Lance, based on projections that we have heard, we're anticipating a

shortfall •• correct me if I'm wrong •• in the budget, budget deficit going into next year of anywhere between 66 million to 86 million depending on whose figures you listen to or you accept. Now, my understanding is that last year we went into a fund •• we had a fund balance of \$119 million, or somewhere around there. This year, based on projections, we're going walk in with a fund balance of about \$78 million; is that accurate? You know, rough numbers.

**MR. REINHEIMER:**

Yes, that's correct, and it's related to IR 1405 where the County Executive says that the County is facing a potential shortfall in 2007. We just want to make it clear that in 2006 the County will end the year, we're projecting, with a surplus of about \$78 million.

**CHAIRMAN MONTANO:**

Okay.

**MR. REINHEIMER:**

So what we're looking at is the impact going into 2007. The 2006 Adopted Budget had a budget surplus of about 119 million, as you said. So a large component of this projected shortfall for 2007 is to replicate the surplus at the end of the year.

**CHAIRMAN MONTANO:**

Let me ask a question, Lance, just so I'm clear. We're not walking into •• at the end of the year we're not going to have a deficit, we're not going to be short of money this year, what we're saying is that next year we're going to be somewhere in the nature of \$40 million shorter than we were this year going in; is that accurate?

**MR. REINHEIMER:**

That's correct. We will have a surplus, however it's ••

**CHAIRMAN MONTANO:**

It's a smaller surplus.

**MR. REINHEIMER:**



•• \$40 million less than last year.

**CHAIRMAN MONTANO:**

The question I have is •• and I've asked for this in writing, you can get that to us later. But just briefly, if you can enlighten me as to where this \$40 million •• where is the shortfall from last year's surplus into next year's surplus?

**MR. REINHEIMER:**

Okay.

**CHAIRMAN MONTANO:**

Explain that \$40 million that we're not going to have at the end of the year.

**MR. REINHEIMER:**

Sure. I'm going to pass the microphone to Robert Lipp and he'll address that.

**MR. LIPP:**

Okay, the way we have looked at it right now, and if you want we can adjust it, is to add up what the surplus will be. So effectively, what I could tell you is we're going to have a projected surplus of \$78.9 million in the General Fund, that's really good news. The bad news is that we don't project that we'll be able to regenerate 119 million; so it isn't the deficit, it's just a decrease in the surplus. And that \$78.9 million is made up mostly of a \$36.7 million decrease in Medicaid costs compared to what we budgeted, so that's a very good thing.

In addition, over the 2005•2006 period compared to the budget, we project that we're going to spend \$25.3 million less in salaries in the General Fund; also, you know, just from a finance point of view as opposed to a service provision, a good thing. And that we would spend 14.3 million less than budgeted in supplies and materials, and that's offset to some extent by 2005 sales tax revenue in the General Fund being six•and•a•half million dollars less than we budgeted.

**CHAIRMAN MONTANO:**

All right, now you threw me off. But bottom line is that we have \$36.7 million extra because we didn't spend that on Medicaid, we have 25 million extra because we're not spending that on salaries, and we have 14.3 million left because we're not spending that on supplies; what else are we not spending that we're going to •• that's going to add to this surplus?

**MR. LIPP:**

That's basically it, when you add the sales tax.

**CHAIRMAN MONTANO:**

All right, so that should be about 78.9 million?

**MR. LIPP:**

Those are the big ticket items. There are a bunch of little tiny things, but broad strokes, that's it.

**CHAIRMAN MONTANO:**

All right. Now, just explain to me where we are in terms of going into this year where we had 119 and now we're going to wind up with 78 or 79 million; where is that 40 million shortfall? That's what I'm looking for.

**MR. LIPP:**

The explanation is I don't have an explanation specifically of the 40 but rather of what the 78.9 million is. So we've added up to our surplus of projected 78.9 million going into 2007, these are the component parts. We don't have it in front of us, we could get what the 119 million is made up of.

**CHAIRMAN MONTANO:**

Right, okay. If we knew what the 119 was made of right now, we could look at what the 78 million is made up and do the math.

**MR. LIPP:**

Yes, but ••

**CHAIRMAN MONTANO:**

That's the question that I have; is that something that everybody else was looking for?

**MR. LIPP:**

I could tell you big picture what it is right now, and big picture without looking at the numbers was, number one, Medicaid, also we budgeted considerably more than we actually spent. And in addition, also retirement expenses, that is we basically had one year less payment because of the State initiative to lag retirement from December to February of the next year.

**CHAIRMAN MONTANO:**

Okay. Here's what •• I'm going to ask that at some later point you send us a memo, members of the committee and myself, indicating what the •• how the 44 million or the lack of the 44 million, what is that made of, so that we can look at last year's figures and then compare those to what our projections are. And by the way, I know that these are projections, we haven't reached that point yet, I don't want to scare anybody, but we're looking at this seriously. So if you can just indicate in broad strokes what it is that we anticipate or where the problems are going to be. Right now I'm going to •• I have some questions, or there are some questions from Legislator Alden that he wants to direct to you.

**LEG. ALDEN:**

Robert, the 78 million, does that include the 30 million that we have in '06's budget in reserve accounts?

**MR. LIPP:**

No, that does not. Reserve account money would relate to what we're projecting the increase in property tax would be for '07, if you will, whether or not we're applying that.

And in fact, in our budget projections, both the Budget Review Office as well as the County Executive, we're projecting that we will use all of the reserve accounts with the exception of the Tax Stabilization Reserve Fund. For the General Fund, that adds up to \$22.2 million, and that also means that the Tax Stabilization Reserve Fund isn't touched. That's a policy option up to the Legislature, so are the other reserve accounts, but both Budget Offices

are utilizing them.

**LEG. ALDEN:**

Aside from Tax Stabilization Reserve, or whatever you want to call it ••

**MR. LIPP:**

What is it made up of?

**LEG. ALDEN:**

No, no, the other three, there was two or three that totaled about \$30 million.

**MR. LIPP:**

This is just the General Fund piece. If you look at what the •• for instance, the Retirement Contribution Reserve Fund ••

**LEG. ALDEN:**

Right, 10 million?

**MR. LIPP:**

•• and the Employee Medical Health Plan reserve, those are split across funds. So these are the General Fund pieces only.

**LEG. ALDEN:**

Okay. So that \$78 million doesn't include those.

**MR. LIPP:**

No, that would be money that we would have in a reserve to use or not to use for 2007.

**LEG. ALDEN:**

What are the restrictions on that, though? That could just •• that could go right to the bottom line after 2006.

**MR. LIPP:**

Yes. Well, no, actually we adopted the budget not using that, that's not part of appropriations in the '06 budget. It's part of our projection that we will

spend it in '07 and it's also the Budget Office's same view as of now.

**LEG. ALDEN:**

Wouldn't that be the same if you took those two components, adding them up? It would be the same as having the surplus.

**MR. LIPP:**

It all comes out in a wash. But the issue here is before we look at what the pluses or minuses are for '07, coming into '07, starting the year. So for instance, for '06, when we adopted the '06 General Fund budget, we were starting with a surplus of 119 million, we're saying that we're projecting we will come here in the fall with a projected surplus of 78.9 million for the General Fund.

**LEG. ALDEN:**

Right, but just so that we have ••

**CHAIRMAN MONTANO:**

But •• go ahead.

**LEG. ALDEN:**

No, you go ahead, you understand what's going on.

**CHAIRMAN MONTANO:**

Let's see if I do. If we have •• if we're coming in to a surplus of 78 million, and in order to stay current we needed 119, are you saying that we have \$30 million extra in reserve funds that were to be used in '07 which then we could add to the 79 million and get back to ••

**MR. LIPP:**

No, no.

**CHAIRMAN MONTANO:**

No? Then I didn't get it.

**MR. LIPP:**

Okay. What we're saying is the question that was originally asked is what is

the difference in the surplus, and we said that we could add to what the current surplus is, the 78.9 million and here is what it's made up of, okay. And that we gave a couple of examples of why it was higher, 119 million ••

**CHAIRMAN MONTANO:**

But that has nothing to do with the reserve funds.

**MR. LIPP:**

Yeah, that's right, it has nothing to do with the reserve accounts.

**CHAIRMAN MONTANO:**

And don't bring them into the equation.

**MR. LIPP:**

Correct.

**CHAIRMAN MONTANO:**

All right. Now, but let's talk about the reserve funds; how many reserve funds do we have for 2007 which we can apply to the budget? And don't bring that into the surplus because they're two separate items I think.

**MR. LIPP:**

Correct. Okay, now the reserve accounts would be monies that would potentially use in 2007 that is revenue, interfund revenue that the General Fund would receive. And for the General Fund portion of these accounts •• first of all, these accounts are made up of 22.2 million that we would use and the 22.2 ••

**CHAIRMAN MONTANO:**

That's in total.

**MR. LIPP:**

Yes.

**CHAIRMAN MONTANO:**

Okay.

**MR. LIPP:**

And it's made up of three things, 5.6 million from the Retirement Contribution Reserve, number one; number two, 11 million from the Debt Service Reserve Fund; and lastly, 5.6 million from the Fund Balance Reserve for Catastrophic Medical Claims from the Employee Medical Health Plan.

**CHAIRMAN MONTANO:**

These are all to be used in 2007.

**MR. LIPP:**

Yes, we assume that, and so is the Executive's Budget Office right now. And of course it remains to be seen when the recommended budget comes out, will they use all of those monies or what.

**CHAIRMAN MONTANO:**

So just so I'm clear •• and we can use those monies in our discretion, right?

**MR. LIPP:**

It's a policy option for you and the Executive.

**CHAIRMAN MONTANO:**

Policy option, that means in our discretion. So if we took the 78.9 •• let's round it off to 80 million. If we came in with a surplus of 80 million and then we took these reserve funds, and I gather that we can take them from that category, add them to the 80 million, now we're back up to 102 million, and if we do the math then our shortfall is 17 million.

**MR. REINHEIMER:**

No.

**MR. LIPP:**

No, that ••

**CHAIRMAN MONTANO:**

Does that make sense?

**MR. LIPP:**

It makes sense but it's not quite the way you should look at it, and the reason is you need to separate the fund balance from standalone, what's going to happen in '07. What's going to happen in '07 is there will be an increase in expenditures above non property tax revenue additionally. So that the 22.2 million will be used to reduce that piece.

**CHAIRMAN MONTANO:**

Okay. So it's already earmarked is what you're saying. It's a reserve fund for 2007, but what I think you're telling me, if I'm correct, is that we intend to use it, so we really can't add it to any •• to make up any deficit; is that what you're saying?

**MR. LIPP:**

That's correct.

**CHAIRMAN MONTANO:**

Okay.

**MR. LIPP:**

And in fact, the \$66 million projected property tax increase, if nothing is done about it, in •• or •• well, if nothing ••

**CHAIRMAN MONTANO:**

What property tax increase are you referring to?

**MR. LIPP:**

Perhaps that was a bad choice of words.

**CHAIRMAN MONTANO:**

Perhaps.

**MR. LIPP:**

Shortfall, we shall refer to it as; yes, I apologize.

**CHAIRMAN MONTANO:**

Yeah, let's leave it as shortfall, okay.



**MR. LIPP:**

That the 22.2 million is implicit in that number, that we're spending it; but once again, that is a policy option.

**CHAIRMAN MONTANO:**

Right. And just to reiterate, this has nothing to do with our Tax Stabilization Reserve fund.

**MR. LIPP:**

Correct.

**CHAIRMAN MONTANO:**

That's a whole separate animal.

**MR. LIPP:**

That's right, that's a policy issue that we have not included in any of our projections and it's up to you people whether or not you want to use it.

**CHAIRMAN MONTANO:**

Thanks, Robert. Legislator Viloría•Fisher, you had some questions?

**LEG. VILORIA•FISHER:**

Yes. Robert, I'm trying to get a historic perspective here. What is the level •• what has been the level of surplus, let's say over the past ten years? Because I'd like to look at this in a reference, have some kind of reference point.

**MR. LIPP:**

Okay. I have looked at that, I don't have an exact number with me but I can give you an approximation. Yeah, I would say that an average number is in the \$40 million range, and of course there have been years where in the past that actually there was a deficit as opposed to a surplus.

**LEG. VILORIA•FISHER:**

I thought we couldn't run in a deficit?

**MR. LIPP:**

No, no. I mean coming into the year which •• in the early 90's, for instance; coming into the year we had a deficit, so whatever property tax we raised it had to be higher than the standalone for that year to make up for the deficit.

**LEG. VILORIA • FISHER:**

We need to have a •• going to my second question. Thank you, that gives me a perspective on where we are with regards to what our average surplus has been over time.

**MR. LIPP:**

And just a point of information; we'll include that in the memo what the actual average is, since it's just off the top of my head.

**LEG. VILORIA • FISHER:**

Oh, good, thank you. With the reserve account, by statute, how much do we have to have in a reserve account?

**MR. LIPP:**

We don't have to have anything. You're talking about the Tax Stabilization Reserve Account.

**LEG. VILORIA • FISHER:**

Yes.

**MR. LIPP:**

That's a policy option, once again, how much to put in there. And until recent years, we basically had nothing, it's over the last, I don't know, ten years that we've been tucking money away in there and only over the last few years that we have the level that we have now.

**LEG. VILORIA • FISHER:**

Okay. Now, you just said a number that confused me a little bit because I've been hearing shortfall numbers ranging from 66 to 80 something, and you just said 56 million; I thought you said 56 million shortfall, I may have

heard you wrong.

**MR. LIPP:**

I said 66, or if I did say 56 I meant to say 66.

**LEG. VILORIA • FISHER:**

All right, thank you. I thought maybe we were getting more optimistic, maybe you knew some new figures that we hadn't heard.

**MR. LIPP:**

Actually, we're expecting any day now a preliminary year•end financial which will say whether the 2005 portion of our projection would be higher or lower; so once that comes out we'll re•up the •• we'll review the model projection.

**LEG. VILORIA • FISHER:**

Thank you, Robert.

**CHAIRMAN MONTANO:**

Any questions? Robert, just so I'm clear, it seems to be to me a misnomer to say that we're going into a deficit; we're not.

**MR. LIPP:**

No, just a reduction in the surplus.

**CHAIRMAN MONTANO:**

Yeah, we're ending the year fine, we're ending the year in the black with a surplus of 80 million. And next year, if there's a deficit, it's really based on what priorities we set in the budget, because theoretically if we cut expenses here and there, we're not going to have any deficit. So it's really a misnomer, is it not?

**MR. LIPP:**

That's right. The budget model that ••

**CHAIRMAN MONTANO:**

Because we haven't done it yet.

**MR. LIPP:**

Right. The budget model that both Budget Review and the Budget Office put together, those are projections based upon a bunch of assumptions. And one is ••

**CHAIRMAN MONTANO:**

Cost to continue.

**MR. LIPP:**

•• if you see a shortfall that you're not going to aggressively address it, for instance, which you always have the option to do. And also, it should be noted, but keep in mind that as Legislator Alden has mentioned a few times in the past, it is somewhat problematic that we have the size of the surplus in the General Fund that we do have, that it's not realistic to think that we're going to regenerate the 119 million each year. And to say that there's close to a projected \$80 million surplus that we would be coming into next year for is actually really good news because what we're saying is we're ratcheting down, we're not like going from 119 to zero, but we're slowly going down which is healthy but it does present a short-term problem, we need to start weining ourselves off of that and to plan for that.

**CHAIRMAN MONTANO:**

If you would, when you get a chance in the next couple of weeks, could you send a memo outlining, you know, the question I asked with respect to the surplus and the difference in this year's surplus, last year's surplus and, you know, anything else that you want to throw into the mix along those lines in terms •• not too long, but in terms of, you know, looking at this shortfall that we may have next year if we keep our spending the way it's at, or if we don't have increased revenues.

**MR. LIPP:**

Right; it would be our pleasure.

**CHAIRMAN MONTANO:**

Thank you. All right, having said that, are there any questions from any other Legislators? I'm going to move into the agenda, first with the Tabled

Resolutions.

**Tabled Resolutions**

The first resolution is **1049•06 • Repealing Home Energy Nuisance Taxes on Suffolk County residents (Alden).**

**LEG. ALDEN:**

Motion to table.

**LEG. D'AMARO:**

Second.

**CHAIRMAN MONTANO:**

Motion to table by Legislator Alden.

**LEG. COOPER:**

Second.

**CHAIRMAN MONTANO:**

Second by Legislator Cooper. All in favor? Opposed? Abstentions? Motion carries, **tabled (VOTE: 8•0•0•0).**

**1052•06 • Establishing a program to reduce unfair home energy nuisance taxes on Suffolk County residents (Alden).** Motion by Legislator Alden to table, I'll second that. All in favor? Opposed? Abstentions? Motion carries, **tabled (VOTE: 8•0•0•0).**

**1159•06 • Amending the 2006 Operating Budget to transfer • •**

**1158•06,** I'm sorry, **Amending the 2006 Operating Budget to transfer funding for the Suffolk Community Council Transportation Advocacy Program (Viloria•Fisher).** Do I hear a motion?

**LEG. VILORIA•FISHER:**

Motion to table.

**LEG. ALDEN:**

Second.

**CHAIRMAN MONTANO:**

Motion to table by Legislator Vilorio•Fisher, seconded by Legislator Alden.

All in favor? Opposed? Abstentions? ***Motion to table carries (VOTE: 8•0•0•0).***

***IR 1166•06 • Amending the 2006 Operating Budget in connection with the purchase of two stretchers and two stair chairs for the Medford Volunteer Ambulance (Eddington).***

**LEG. COOPER:**

Motion to approve.

**CHAIRMAN MONTANO:**

I'll second that.

**LEG. ALDEN:**

On the motion?

**CHAIRMAN MONTANO:**

On the motion, hold on one second. Motion to approve by Legislator Cooper, seconded by myself. We have •• Legislator Alden wants to ask a question and I think BRO wants to comment on this; who wants to go first? You want to let them go first, Cameron?

**LEG. ALDEN:**

Yeah, go ahead.

**MR. REINHEIMER:**

I just want to comment, this has been amended and the chair •• stair chair has been deleted, the two chair stairs for \$4,000, so this is just for the stretchers at \$18,000, it was amended on March 23rd.

**CHAIRMAN MONTANO:**

Okay. So it's an \$18,000 appropriation?

**MR. REINHEIMER:**

That's correct.

**CHAIRMAN MONTANO:**

Okay. Legislator Alden?

**LEG. ALDEN:**

I saw the amendment, but I'm not a hundred percent clear in my mind; did he change Omnibus money from one source to another source? That's what it kind of looked like, but I'm not ••

**CHAIRMAN MONTANO:**

Yes, that's what I believe it did, Cameron.

**LEG. VILORIA • FISHER:**

Yeah.

**LEG. ALDEN:**

So it is Omnibus?

**CHAIRMAN MONTANO:**

It is Omnibus, I understand.

**MR. REINHEIMER:**

Yes, that's correct. They're pseudo codes, these are community•based organizations that some of them were decreased to a total of \$18,000.

**CHAIRMAN MONTANO:**

All right, we have a motion to approve. All in favor? Opposed? Abstentions? Motion carries, ***approved (VOTE: 8•0•0•0).***

***IR 1169•05 • Amending 2006 Operating Budget transferring funds to provide for Emergency Medical Care Training and Equipment (Lindsay).***

**LEG. COOPER:**

Motion to approve.

**P.O. LINDSAY:**

I'm going to second it for the purpose of a discussion, all right?

**CHAIRMAN MONTANO:**

Okay.

**P.O. LINDSAY:**

And I'd like to be recognized.

**CHAIRMAN MONTANO:**

Motion by Legislator Cooper, seconded by Legislator Lindsay to approve. On the motion, Legislator Lindsay.

**P.O. LINDSAY:**

Yeah, really it's a question for Ben. The resolution is as I introduced it, there was indications by the administration that money was found within the Health Department budget to do this.

**MR. ZWIRN:**

That's correct. The amount of money that was necessary for this program to move forward was less than what was in the original resolution, and the Health Department found the money within it's own budget and can do it internally.

**P.O. LINDSAY:**

Okay. Do we need this resolution?

**MR. ZWIRN:**

No.

**P.O. LINDSAY:**

And the administration is going to go forward with this training?

**MR. ZWIRN:**

Yes. Dr. Alicandro sent a memorandum, she said this could be done in



•house without ••

**P.O. LINDSAY:**

Because the training is vital, Ben.

**MR. ZWIRN:**

Yes.

**P.O. LINDSAY:**

You know, our cardiac arrest rate here of survival is deplorable.

**MR. ZWIRN:**

I can get you the breakdown, how she broke it down within her department and how it could be done. So they're in agreement that it should be done, but it can be done within the budget.

**P.O. LINDSAY:**

And if we approve this resolution it would just give an excess in the Health Department budget; is that the idea?

**MR. ZWIRN:**

Yes.

**P.O. LINDSAY:**

And what offset are we using for this, fellas?

**MR. REINHEIMER:**

I know \$70,000 was from Social Security.

**P.O. LINDSAY:**

So if you have the money already, it's just going to create a surplus in the Health Department line.

**MR. ZWIRN:**

That's correct. If you want to table it one round just so I can get you all the information and break it down for you, then ••

**P.O. LINDSAY:**

Why don't we do that, Mr. Chairman?

**CHAIRMAN MONTANO:**

I would make a motion to table.

**P.O. LINDSAY:**

You know, I heard about this but I haven't seen anything in writing and I really want this program to move forward.

**CHAIRMAN MONTANO:**

I would like •• well, first let's •• I'll make the motion to table, second by Legislator Cooper. On the motion.

Ben, I am, likewise, very interested in terms of the cardiac arrest nonsurvival rate. And I gather, based on the conversation you had with Legislator Lindsay, that those statistics are available. Are they available by section, by region, by town, I mean, by hospital area? Do you know how they're •• you know, how we derive at that those figures?

**MR. ZWIRN:**

I don't off•hand, but ••

**P.O. LINDSAY:**

I do.

**CHAIRMAN MONTANO:**

You do?

**P.O. LINDSAY:**

Yeah.

**CHAIRMAN MONTANO:**

Could you enlighten me on that?

**P.O. LINDSAY:**

Yeah, the EMS community has those figures by really region, and when they

first came to my office with this problem, I was shocked about the survival rate, how low it is, it's like 2% in Suffolk County if you go into cardiac arrest; in spite of all the money we've spent on defibrillators, it really hasn't helped. And what they're finding is that the equipment is still important but we're not using them properly and we need to retrain everybody on the proper use of the mix between the AED's, applying the AED's and CPR. And there's some new device that I think most of the emergency ambulance companies and fire departments, it's a small device, are going to purchase and we're going to provide the training, which I'm fine with that as long as it gets done. Some cities like Houston, I think the cardiac arrest rate of survival is like 10%.

**CHAIRMAN MONTANO:**

Wow.

**P.O. LINDSAY:**

You know, so it's like five times better than here in Suffolk County.

**CHAIRMAN MONTANO:**

Well, I have to be honest with you, I'm familiar with some of the cardiac units here on Long Island, we have some •• I'm surprised because we have •• if you look at the list of hospitals in the nation, our hospitals here in cardiac services are about the best.

**LEG. LOSQUADRO:**

Mr. Chairman?

**CHAIRMAN MONTANO:**

That's why I'm surprised at that figure; if you could share that with me.

**P.O. LINDSAY:**

It doesn't have anything to do with the hospital ••

**CHAIRMAN MONTANO:**

Right, it happens before you get there.

**P.O. LINDSAY:**

•• it's the emergency response teams.

**CHAIRMAN MONTANO:**

Right, you've got to get to the hospital in order to be taken care of.

**P.O. LINDSAY:**

Right.

**CHAIRMAN MONTANO:**

I understand that.

**P.O. LINDSAY:**

And not only that, the treatment that the emergency responders give when they arrive at the scene.

**CHAIRMAN MONTANO:**

I got you. If you could share those with me, Bill. Legislator Losquadro?

**LEG. LOSQUADRO:**

Yeah.

**CHAIRMAN EDDINGTON:**

Gotcha, and then Legislator Alden.

**LEG. LOSQUADRO:**

Thank you. I, too, had been in discussions with the American Heart Association, there is also a movement to change the training that's going on for younger individuals. The initial response to a cardiac arrest is what is paramount and that includes individuals who just happen to be on the scene, even before emergency responders get on to the scene. So what is going on in our schools is very important and there are new techniques that are being taught that are much easier to follow and should hopefully, if you look out over a number of years, improve our survival rate. That coupled with the new training for our emergency responders hopefully should increase this, unfortunately, very low number.

**CHAIRMAN MONTANO:**

Thank you. Legislator Alden?

**LEG. ALDEN:**

The first question I have is over in the Health Department, if they found money to accomplish this, last year I put in money to actually do some water testing over in Lake Ronkonkoma to determine what the pollution was; that money wasn't expended. And I was told that there was going to be money in the budget that they could actually do that testing this year. So I'm glad to see that they found money to do this, but I also hope that they live up to the obligations that were established in the past.

Having said that, one more comment on this cardiac arrest and low survivability rate. A lot of it has to do •• and I'll give you a personal experience. My next door neighbor, 38 years old, six foot five, 260 pounds, not an ounce of fat on him, goes out jogging one day and drops dead. And the coroner told me that basically if he had had the heart attack in the hospital within an attending physician right there and a crash cart and everything else, they wouldn't have been able to help him. So some of it depends on in the area, what type of bad hearts that we have, because some of these are just •• you know, they're the final attack and there's no way to prevent them actually and there's not a lot of survivability just on that type of attack. But I'm hoping that, you know, like that other group of people, that with a little bit more training and a little bit of a different technique that we can actually improve the survivability on that next group up from the ones that are fatal.

**P.O. LINDSAY:**

Mr. Chairman, if I might, through the chair?

**CHAIRMAN MONTANO:**

Go ahead, Legislator Lindsay.

**P.O. LINDSAY:**

Yeah, you're absolutely right. I mean, even the best regions in the country you're looking at a 10% survival rate, you know, some of it is just

unavoidable, but 10% is better than 2%.

**LEG. ALDEN:**

Oh, absolutely.

**CHAIRMAN MONTANO:**

Thank you. So we have a motion to table because at this point we don't think that we're going to need to pass the bill.

**MR. ZWIRN:**

If you like, I'll have Dr. Alicandro come down. Usually she doesn't come to the Budget Committee, but I can have her come down to Health or to the Budget & Finance at the next meeting.

**P.O. LINDSAY:**

Do you want that? I think that would be good, no?

**CHAIRMAN MONTANO:**

Yeah, I would like to hear it, you know, personal interest. All right, on the question, motion to table; all in favor? Opposed? Abstentions? ***Motion to table carries (VOTE: 8•0•0•0).***

**LEG. LOSQUADRO:**

Who was the second?

**LEG. COOPER:**

I think I was.

**CHAIRMAN MONTANO:**

Legislator Cooper, right?

Okay, ***1175•06 • Adopting Local Law No. 2006, a Charter Law to provide for fair and equitable distribution of public safety sales and compensating use tax revenues (Romaine).***

**LEG. SCHNEIDERMAN:**

Motion to approve.

**LEG. COOPER:**

Motion to table.

**LEG. LOSQUADRO:**

I'll second the motion to approve for purposes of discussion.

**CHAIRMAN MONTANO:**

All right, and then we have a motion to table, I'll second the motion to table which takes precedence. Motion to table by Legislator Cooper, seconded by myself.

**LEG. SCHNEIDERMAN:**

On the motion.

**CHAIRMAN MONTANO:**

On the motion, Legislator Schneiderman.

**LEG. SCHNEIDERMAN:**

Legislators, I need your help in addressing what has been a long-standing inequity. As you know, sales taxes are collected throughout the entire County, a portion that's specific for public safety is put into the Police District and then some money is put outside the Police District. But it's never been based on a fair formula, and so the areas outside the Police District have been historically shortchanged to an amount that has been in the neighborhood of \$3 million some years. It is significant and I know some of you have said, "Well, you know, what's a fair way to do it? Is population really a fair way to do it?" And I put forth that that is the fairest way to do it on a per person basis, the lives of individuals outside the district certainly are as deserving of public safety funds as those inside the district. Environmental funds to me should be based •• and I know Lynne brought this issue up last time on environmental priorities and should be distributed based on environmental priorities, public funds should be •• public safety funds should be distributed based on public safety needs. And everybody is equal in the County and I implore you to address had issue by establishing a fair formula. If you don't think this is a fair way to do it, tell me a fairer way to do it. But we have strived to create a fair formula, we believe that this is

fair. We had gotten this bill passed last year only to have it vetoed by the County Executive and I feel the Legislature needs to send a signal that we believe that all residents of Suffolk County are equally deserving of sales tax revenues for public safety.

**CHAIRMAN MONTANO:**

Okay. Legislator •• I know the County Executive wants to chime in, but do you want to go first, Legislator Alden, or you want to hear from them?

**LEG. ALDEN:**

Let's hear from them.

**CHAIRMAN MONTANO:**

Let's hear from the County Exec.

**LEG. LOSQUADRO:**

Yeah, please, the County Exec.

**CHAIRMAN MONTANO:**

The County Exec's office.

**MR. ZWIRN:**

Well, as his representative anyway.

**CHAIRMAN MONTANO:**

We clarified that.

**MR. ZWIRN:**

The issue •• one, the County Executive is concerned about using the population formula for distributing revenues, because then you can turn around and say, "Let's have it for expenses." And what is the population of the east end, which I call home anecdotally, it's about 10% of the population of all of Suffolk County. When you talk about the east end you're talking pretty much the Shinnecock Canal and anything east of there.

Do you put the helicopters out there? We have two •• 50% of the helicopter fleet is going to be stationed at Gabreski Airport in Westhampton, should we



make that 10% of the fleet? Do you appropriate the capital projects based on population? And the answer is •• one of the things the County Executive is trying to prevent is we are all one Suffolk County and doesn't want to \\_balkanize\\_ that.

Last year we tried to address some of the issues that were raised with Legislator Caracciolo and they came up with a compromise. This was the original bill that Legislator Caracciolo came in with, the County Executive sat down with them and tried to work it out to give out additional funds to the east end. One of the confusions is that the law now allows the County Executive and the budget and the Legislature to use up to three•eighths of one•quarter percent for public safety. Last year the County Executive did not take all three•eighths and put it in public safety, he used up to that amount but he used somewhere between a quarter and three•eighths, so it wasn't the full amount. In the future it may be necessary to allocate that towards public safety.

But he had an agreement worked out, a compromise was achieved. If what Legislators Romaine and Schneiderman are saying is that that compromise is unacceptable and we'll go back to the drawing boards and they want to have an up and down vote on this new formula which was rejected last year, then that would be up to the Legislature. But the County Executive is prepared to meet his obligations even though the final version was never passed, it's in the budget and that money will be appropriated. I think it was over \$1.5 million and then it went forward, there was more money allocated to the towns on the east end.

**LEG. SCHNEIDERMAN:**

Can I ask •• in response to that?

**CHAIRMAN MONTANO:**

Well, I want to ask a question, but go ahead, Legislator Schneiderman.

**LEG. SCHNEIDERMAN:**

That Caracciolo/Levy compromise, as it was said, died at the end of last year, it was never voted up or down. Does the County Executive plan to reintroduce it as a bill? And if so, the concern that I had, and it was good in

terms of phasing in over five years the amount of money that would bring us up to parity, the only problem is it didn't address that moving target that you referred to in the case that the County Executive would apply more to the district. In other words, if the County Executive applied an additional 30 million, which he could, he has the latitude to do within the district, our 10% would be roughly \$3 million and we would end up •• if he didn't make that adjustment, we'd end up in a worse situation than we currently are in terms of the unevenness of the ratio between inside and outside the district. So if the County Executive wants to reintroduce it and put in some language that would allow it to shift should that •• should there be increases within the district, you know, I could support a bill like that.

Ultimately, I would like to see a formula built in that would take care, no matter who was the County Executive in the future, that those regions outside the district would be permanently protected. But short of that, I would accept a compromise provided it would have some language addressing that situation I just referred to.

**MR. ZWIRN:**

If I can respond. The County Executive put it in the budget.

**CHAIRMAN MONTANO:**

I'm just going to ask you a question, Ben. Isn't this something that can be dealt with in the budget process the way it was last year?

**MR. ZWIRN:**

Correct.

**CHAIRMAN MONTANO:**

Is that accurate, BRO; we can deal with the allocation in the budget and probably should? Well, don't answer the should, that's our responsibility, but we can deal with this in the budget submission when we deal with that in November; is that accurate? The way we did last year.

**MR. REINHEIMER:**

That's correct, it's a policy issue.

**CHAIRMAN MONTANO:**

Okay. All right, Legislator Alden, you had some questions?

**LEG. ALDEN:**

Actually, first a quick statement. I support a little bit of parody and I like to see •• you know, I like to see a fair type of distribution of the monies. But as became real apparent last year when we went through this whole process, I didn't support the original bill that was put in by Legislator Caracciolo. And I had some dialogue with some of the Supervisors from out east that came in here and started saying it's like their God•given right to have "X" amount of dollars. Well, I never got an answer or a satisfactory answer to my question of how much do we actually subsidize the east end police forces now and whether it would be a lot less expensive or whether it would be more economical to have them absorbed in to the Suffolk County Police Department. So that question still remained out there, how much are we giving them in services never was fully answered.

But I also got into quite heavily in a debate with a few of the Supervisors. If we're going to go by this formula, as was mentioned by Ben just a minute ago, then we would have to apply that formula to every type of spending program and every type of acquisition program. And then what we're going to have is we're going to have some screaming and hollering from everybody. Because right now there's an inordinate amount of money that comes from the west end to support property purchases out in the east end to sustain their way of life, which is our way of life which is very nice, to preserve what used to be Suffolk County's traditions of farms and now it's •• I guess it's grape vineyards and things of that nature which is very nice and it's nice to preserve all that, but it did cause the east end property values to rise very highly.

The property values in my district got hammered because we have no parks, we have no open space. So there's no other way we can distribute the money for open space, we can actually start buying some of these overbuilt areas that took some of our nice forests and our farms and created eye soars, we can level those and we can restore it back to natural •• it's going to be very, very costly, and if that's the way we're going to go, then all of us west•enders •• you know, and I hate to see that, west against east •• but

then the west•enders are entitled to billions of dollars in purchases to restore our way of •• you know, the Suffolk County way of life. So I don't want to put it as an east versus west type of a battle, but I'm willing to look at in the budget process as we were last year, a fair and equitable distribution. But I would like to see the answers to my question, too, how much are they getting right now as far as support services because there's all types of things, including two helicopters, all those type of services that are provided. But on a managerial basis, there's a lot of major crime investigations that are conducted by the Suffolk County Police Department and a lot of support services that do go to the east end Police Departments.

**CHAIRMAN MONTANO:**

I have a list here. Legislator Vilorio•Fisher is next followed by Legislator D'Amaro and then Legislator Schneiderman; anyone else?

**LEG. VILORIA•FISHER:**

Thank you, Mr. Chair.

**CHAIRMAN MONTANO:**

Vivian, go ahead.

**LEG. VILORIA•FISHER:**

Ben, you actually answered my question which was that I recalled the round •table discussions where there was an agreement, a compromise and that was folded into the budget and you've indicated that that would continue to be in the budget.

**MR. ZWIRN:**

That's correct. And the County Executive felt a little betrayed because after he had arrived at this agreement ••

**CHAIRMAN MONTANO:**

The County Executive felt betrayed?

**MR. ZWIRN:**

•• with Legislator Caracciolo, all of a sudden the original bill, this bill was

reintroduced after they had agreed to a compromise. So he felt, well, you know, we had agreed, but if you got two bites at the apple ••

**LEG. ALDEN:**

Mr. Chairman, do you have a tissue? My eyes are starting to mist.

**CHAIRMAN MONTANO:**

Yeah, I know. Ben ••

**LEG. SCHNEIDERMAN:**

Ben, I was a cosponsor of that bill and was not invited to those negotiations.

**MR. ZWIRN:**

I have a violin, I have a violin with me and I can play it any time.

**CHAIRMAN MONTANO:**

I knew nothing about it. Assure him that, you know, it was not intentional. Anyway, Legislator D'Amaro.

**LEG. D'AMARO:**

Thank you, Mr. Chairman. I agree with Legislator Schneiderman that, you know, we're all concerned about public safety. This is kind of a new concept to me, being new on the Legislature, the east against west routine which, you know, I like to believe that when I vote on bills here in this Legislature it's for all of Suffolk County. But through the Chair, I had a question for Legislator Schneiderman. Are you, in effect, saying that the districts that you're speaking of outside the County Police District just simply cannot afford to support their departments? And if so, if so, why are we putting that on the shoulders of the County taxpayers?

**LEG. SCHNEIDERMAN:**

No, that's •• I think that's a misunderstanding of what I'm saying. You know, I'm a former Supervisor in the Town of East Hampton and we had various tax districts and all areas have various tax districts, and certain services are provided within those tax districts and those services are only for those tax districts and are provided •• and are paid for only by those

people who receive those services. What the County funds within those •• within the Police District are not the things that Cameron and other people are talking about, those additional services that are provided to the east end such as the homicide investigations or the gang units; those things are paid for separately by the towns or billed for those things. It's not the same money, whereas the open space we talked about, the open space funds, when we purchase a park in East Hampton or wherever it might be, it is open to all County residents, and that's really the subtle difference in terms of how tax money is spent.

**LEG. D'AMARO:**

So let me understand then.

**LEG. SCHNEIDERMAN:**

When we pay for a sector car at the 4th Precinct, East Hampton isn't benefitting by that sector car. In fact, we actually have been paying to •• for the fleet charges to maintain those sector cars and that's kind of a separate issue, and until we did an audit of what the towns are paying for we won't really know exactly whether the towns are overpaying or underpaying for those things.

**LEG. D'AMARO:**

But are you saying that •• and again, through the Chair, I'd like to just direct this question.

**CHAIRMAN MONTANO:**

Go ahead.

**LEG. D'AMARO:**

Are you saying that the shortfall •• your perspective of a shortfall in the allocation of these funds, should the shortfall not exist, if you receive the increased funding it would go toward only specific services provided by, let's say, the Village Police Districts or the Town Police Districts? In other words, I'm having trouble understanding, why is it that a town or village can voluntarily opt out of the County Police District and say, "We can do this better," but then say, "But by the way, you, Suffolk County, have to pay for it"?



**LEG. SCHNEIDERMAN:**

No, that's not what's being said. Various towns and villages have their •• they have opted to have their own police service and the individuals who live within those Police Districts pay for those services, just the way County residents within the Police District pay for those. And if the public safety sales tax revenues were going into things that were whole County like the Medevac helicopter or the gang units, it wouldn't be an issue. But once they go into district•specific functions, you've got to figure out a way to compensate the areas that are providing those services to their residents outside in a fair way.

**LEG. D'AMARO:**

Well, that's just •• but the breakup of the County Police Department into these precincts is just an organizational way to organize an entire County Police Department. And I beg to differ with you that, you know, when an allocation is made to give another car to the 4th precinct, that's within the County system. So, you know, you're seeing that, well, why wouldn't then a district outside the County District then get its own car as well to be fair, but I think you're confusing two different issues. The County Police District has to be administered, and if it's going to be administered they need a way to do that and the way they do it is through precincts, but when that car goes to the 4th Precinct, that's benefitting the County Police Department.

**LEG. SCHNEIDERMAN:**

Maybe, as Vivian is saying, I'm not answering your question.

**CHAIRMAN MONTANO:**

All right. Hold on, Vivian.

**LEG. VILORIA•FISHER:**

I think Budget Review should answer it because he's not answering the question.

**LEG. SCHNEIDERMAN:**

I want to be clear in the sense that the money that we're talking about is collected whole County, it's not collected just within the district and spent

within the district. So it's collected whole County and then it's spent within the district with some of it being given outside the district in a way that's been completely at the whim of the County Executive as to what he determines to be fair.

**LEG. D'AMARO:**

Well, isn't it ••

**LEG. SCHNEIDERMAN:**

And we've been seeking a formula for fairness because we believe that historically it has not been fair, we have been shortchanged.

**LEG. D'AMARO:**

All right, but isn't it also true that the revenue is collected in the Police District Countywide; correct?

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. D'AMARO:**

But some of the services provided by the County Police Department benefit the non•participants in the County system.

**LEG. SCHNEIDERMAN:**

Yeah, and what I'm saying is they are paying for that separately, that the towns are being billed for those services.

**LEG. ALDEN:**

But that was never answered.

**LEG. SCHNEIDERMAN:**

Well, we'd have to do an audit to prove that. But those things like the Homicide Unit, the Gang Units, some of those things that are Countywide functions, those were being billed, the towns and villages outside the district pay to the County for those things.

**LEG. D'AMARO:**



All right, let me ask you just one other question. I really appreciate the education. •

**LEG. SCHNEIDERMAN:**

I think it's an important point to understand.

**LEG. D'AMARO:**

The formula that you're proposing, how is it not arbitrary? You know, why one•quarter percent as opposed to one•third, you know, one•eight based on population? How do you come up with a formula like that?

**LEG. SCHNEIDERMAN:**

Well, the ultimate amount of the sales tax revenues that go to public safety, that's determined by what percentage •• you know, the County Executive could go up to three•eighths of that one•quarter. So right now around 60 million •• and BRO can correct me if I'm wrong •• go into that Police District; that could go up to about 90 million. So that's based on what percentage of that public safety sales tax revenue go in. But in terms of whatever that big number is that's going to public safety, what the formula does is it determines how to compensate the area outside the district and it says just based on population, we'll distribute everything based on population.

**LEG. D'AMARO:**

All right, so if that's •• but if administering the County is the discretionary function of budgetary process and we're going to set priorities, then why would we take this one area and say, "No, here you have to apply a set formula and have no discretion as opposed to allocating and budgeting every other program in the County"?

I don't see how you can justify one and not the other.

**LEG. SCHNEIDERMAN:**

Well, you'd have to show me a program where County•wide funds are going into a specific district that only provides services within that district; I don't know of any.

**LEG. D'AMARO:**

I think that happens all the time.

**CHAIRMAN MONTANO:**

It happens all the time.

**LEG. D'AMARO:**

I think Legislator Alden spoke to the open space acquisition, certainly that's not happening.

**LEG. SCHNEIDERMAN:**

No, that's not being applied, only •• it's not be being •• it is being collected Countywide but it's not being given only to one specific district. Everybody is equally a candidate for open space funds.

**LEG. D'AMARO:**

Right, but in practicality that's not the way it's distributed.

**LEG. SCHNEIDERMAN:**

Now if you don't have open space put in your submissions, but if you look at the recent numbers, I would say that a lot of the money now, you know, people have woken up and a lot of it is being spent further west, Huntington, all over the place. So I don't know what percentage the east end is getting, but I will say that on the east end acquisitions, many of them have been with a 50% partner with the towns, and you don't typically see that on the west end, so we've been spending as well for those County parks.

**CHAIRMAN MONTANO:**

Legislator Schneiderman, I'm going to move this along. I want to give you the last word as the sponsor. There's a motion to table and seconded.

**LEG. SCHNEIDERMAN:**

Did BRO want to comment on that.

**CHAIRMAN MONTANO:**

Yeah, would BRO like to weigh in on this briefly?

**MR. LIPP:**

In terms of the fiscal impact, right now the Police District gets \$58.6 million in sales tax revenue this year, it could get as much as three•eighths which would be equivalent to \$98.5 million.

**CHAIRMAN MONTANO:**

That's the allocation?

**MR. LIPP:**

That would be the allocation to the Police District having nothing to do with the town revenue sharing with this bill. This year the town revenue sharing to the town and village Police Departments is a little over four and a half million dollars, up from a little over \$3 million previously as per the agreement, shall I say, between former Legislator Caracciolo and the County Executive. It's due to increase, based upon that agreement, by half a million dollars next year and for the next four years, a total of five.

If it was based upon population, as per this resolution, the east end population right now is 11.21%, more than 10%, based upon 2005 LIPA population estimates which would result in an increase of almost two million, from four and a half to six•and•a•half million. And if it was next year, for instance, if the Police District went up to three•eighths which remains to be seen in theory, then the town revenue sharing would go up to \$11 million based upon the population estimates which would be almost six and a half million dollar increase.

**CHAIRMAN MONTANO:**

Okay. I'm going to move ••

**MR. LIPP:**

But clearly it should be noted that the amount that's allocated to the Police District is a policy issue, it was actually \$7 million less than a quarter cent this year, the \$58 million.

**CHAIRMAN MONTANO:**

Okay, I hear you. Thank you very much. Jay, we have a motion to table. I'm going to ask for a vote on the motion. All in favor of tabling? Why don't

we just raise our hands.

**LEG. SCHNEIDERMAN:**

Opposed.

**CHAIRMAN MONTANO:**

All right, we have six to table and Legislator Schneiderman is opposed.

***Tabled (VOTE: 6•1•0•0 • Opposed: Legislator Schneiderman).***

Moving on, ***IR 1223•06 • Amending the 2006 Operating Budget to provide funding for lights at the baseball field maintained by VFW Post 5350 of quogue (Schneiderman).*** Do I hear a motion?

**LEG. SCHNEIDERMAN:**

I'll make a motion to table, but I would like input from BRO if we figured out where that money is coming from.

**CHAIRMAN MONTANO:**

Motion to table by Legislator Schneiderman.

**LEG. SCHNEIDERMAN:**

There is some discussion •• well, let's get a second and then discussion.

**LEG. COOPER:**

Second.

**CHAIRMAN MONTANO:**

I'll second it.

**LEG. SCHNEIDERMAN:**

There is this ••

**LEG. LOSQUADRO:**

I'll second the motion to table.

**CHAIRMAN MONTANO:**

All right, Legislator Losquadro will second it. On the question, on the

motion.

**LEG. SCHNEIDERMAN:**

This got a little controversial last time because people •• the money that I was using for this, people didn't know if it was being used for some other purpose, if it was being taken away from something.

**CHAIRMAN MONTANO:**

No, I don't think •• Jay, if I may inter ••

**LEG. SCHNEIDERMAN:**

I don't know if we've been ••

**CHAIRMAN MONTANO:**

May I interject there?

**LEG. SCHNEIDERMAN:**

•• able to get some clarification on it.

**CHAIRMAN MONTANO:**

Okay, but just for the record. I don't think •• I don't recall the debate along those lines. I think the debate was whether or not the money was being taken from either Omnibus monies or member items that were allocated last year. And my understanding was that it was not, that this was money taken from some category other than the member items. So has that changed is my question?

**LEG. SCHNEIDERMAN:**

The reason why I put the bill forth is because there was a timing, there was a time is of the essence kind of situation where the member items were assigned, I found out about this afterwards and they were trying to get these lights on for this summer. And so I needed a source of funding, I found something in Parks that seemed suitable and I put the bill through. I have been speaking with the VFW and I believe that it can wait and not happen this summer, but I •• so I'm going to table it and try to do it as a member item.

**CHAIRMAN MONTANO:**

Okay, that's appropriate.

**LEG. SCHNEIDERMAN:**

Though a part of me believes that a community ball field like those in Babylon are deserving of County•wide funds. Nonetheless ••

**CHAIRMAN MONTANO:**

Nonetheless.

**LEG. SCHNEIDERMAN:**

Nonetheless, I will make the motion to table. But I would like to know if that source of funding that I chose has a destination or whether it's available for community recreation.

**LEG. COOPER:**

Yeah, I'm going to use all of it. Thank you.

**LEG. SCHNEIDERMAN:**

Now that I found it.

**LEG. COOPER:**

Yeah, thank you.

**CHAIRMAN MONTANO:**

In any event, do you want to speak, Legislator Alden?

**LEG. ALDEN:**

Yeah, just real quickly. The more I look, the more it seems like that's the money I put in there for a security system at a couple of golf courses, so, which I'm in discussions with the county Executive and the commissioner of Parks over how to spend it. So ••

**CHAIRMAN MONTANO:**

But that wasn't •• if I may, Cameron. That wasn't Omnibus money, that was something that maybe ••

**LEG. VILORIA • FISHER:**

That was in Parks.

**CHAIRMAN MONTANO:**

That was in Parks. That's something that we really all put in that you initiated, but I distinguish that from the omnibus •• you know, I'm not even sure I want to get into this issue.

**LEG. ALDEN:**

No, but it might have been my Omnibus money.

**CHAIRMAN MONTANO:**

Well, that's what I'm saying, was it or wasn't it?

**LEG. ALDEN:**

I'm looking still to find out.

**CHAIRMAN MONTANO:**

Because if it was the omni ••

**LEG. ALDEN:**

But one way or the other, there was money earmarked for that security system.

**CHAIRMAN MONTANO:**

One way or another, we have a motion to table and I'm going to call the question. All in favor of tabling? Opposed? Abstentions?  
Motion carries, ***tabled (VOTE: 7•0•0•0).***

**LEG. SCHNEIDERMAN:**

Can I just find from BRO if they have the answer to that question; do they know if the money is destined for anything?

**CHAIRMAN MONTANO:**

If you have a quick answer.

**MR. LIPP:**

We haven't researched it further from last time. As far as we know it's not allocated, we haven't been able to determine it. If it is Legislator Alden's then, you know, we would defer, but we're not aware that it's attached to anything.

**LEG. LOSQUADRO:**

The County Exec's Office?

**CHAIRMAN MONTANO:**

Well, I think this is tabled already. Do we need to beat this into the ground?

**MR. ZWIRN:**

We'll double check, but I think Legislator Alden is correct with respect to that, that money.

**CHAIRMAN MONTANO:**

Correct in what sense?

**MR. ZWIRN:**

It was his Omnibus.

**CHAIRMAN MONTANO:**

Oh, it was?

**MR. ZWIRN:**

Yes.

**CHAIRMAN MONTANO:**

Okay.

**P.O. LINDSAY:**

If it passed, is there any more money there? I mean, I'd like to get a chunk of it, too.

**LEG. VILORIA • FISHER:**



Dibs on Cameron's money.

**CHAIRMAN MONTANO:**

I'm not going to go there.

**LEG. ALDEN:**

Go for it, whatever.

**CHAIRMAN MONTANO:**

Just remember, there's a record being made.

All right, ***IR 1239•06 • Establishing a new program in the Office of Women's Services for mitigating domestic violence (Stern).***

**LEG. COOPER:**

Motion to table.

**CHAIRMAN MONTANO:**

I'll second that. Any debate or any comments? If not, we'll call the vote. All in favor of tabling? Opposed? Abstentions?

***Motion carries (VOTE: 7•0•0•0).***

That's at the request of the sponsor, and just for an explanation, there are some issues. It's, I think, a great concept, but there are some issues as to whether or not the students at Touro Law School can actually work under the guideline of another attorney permitted by the court. So it's that kind of issue, that's why we're going to table it; good point.

***IR 1243•06 • Reestablishing a Common Sense Policy for the selection of arbitrators in collective bargaining (Lindsay).*** We've actually heard someone speak earlier. I'm going to make •• because I think this is something that's going to require a little more debate and I don't want to bog it down in committee. I'm going to make a motion to discharge without recommendation ••

**LEG. COOPER:**

Second.

**CHAIRMAN MONTANO:**

•• so that we can bring this to the full Legislature. Seconded by Legislator Cooper. Any comments on the motion?

**P.O. LINDSAY:**

Yeah, on the motion. I'll go along with that for the purpose of just moving the agenda, but I did want to make a couple comments on it.

**CHAIRMAN MONTANO:**

Go ahead, Legislator Lindsay.

**P.O. LINDSAY:**

Number one, you know, it really isn't something that's a big deal because it only applies to contract arbitrations and we don't have that many; most of our arbitrations are grievance arbitrations, so it's not a big deal. But if somebody is under the impression that this bill is effective they're wrong, because Mister •• you know, the man it was directed at, Mr. Scheinman, still appears on our list of arbitrators. Management has always had the right to strike any arbitrator that they thought was unfair in their deliberations, and for some reason it wasn't done during the 90's. And our whole interest arbitration process at times, I mean, someone that's been in the field I just scratch my head about because I don't think the leap frogging has stopped. Some of the awards have been less but they're still sizeable awards compared to other contracts, and I think the arbitration community has been used as a scapegoat with this whole process.

I mean, the behavior is just bizarre. And I'll point to the last PBA arbitration. I have never, in all the years that I've been in labor relations, seen an impasse declared before the contract expired, I have never seen that before; I'm not saying it probably hasn't been done somewhere, but I've never seen it before. And that I scratch my head at, you know, why did we go along with that as a management representative? So with that, I'll just shut my mouth.

**LEG. ALDEN:**

Very quickly.

**CHAIRMAN MONTANO:**

Legislator Alden.

**LEG. ALDEN:**

And I will defer to Legislator Lindsay because he's more intimately involved with a lot of these arbitrations and things like that but, I mean, I've been involved with some of them over the course of the years. But as a Legislator, when I got here, for whatever reason management, the County Executive was not excluding this and that was the will of the Legislature back then that we did really not want to use one arbitrator because he seemed in his decisions would write up something that I thought was totally bizarre, that because Nassau County got this big award that Suffolk County deserved a big award. But the same guy was writing it on both sides and then he'd go back two years later and write it the other way, so it seemed bizarre to me.

I know that we actually brought a lawsuit within the last couple of years about one of the awards and we thought that they weren't using the proper criteria and things of that nature, maybe we should more aggressively pursue it on that end. But I also •• and you have to lay the blame, not really lay the blame but be critical where it's appropriate. And past administrations haven't really bargained in good faith, I don't think, a lot of times. So I would hope that this administration would be bargaining in good faith because I believe in the collective bargaining system and I believe that reasonable people can come to a reasonable agreement that doesn't hurt the people in Suffolk County and still maintains the type of services that we need to provide.

So I'll go along with the discharge without recommendation. My gut feeling would be this is something that ain't broke and it's been, you know, working for eight years so why change it. But I can be persuaded one way or the other and if we're putting it on the floor and we're going to hear more debate on it and we're going to have more input from other Legislators, I'd go along with that thought. But as far as I'm concerned, this was working, we had testimony that for eight years arbitrators didn't really come and complain about it. You know, I'm not sure that •• who was it, Yogi Bera, if it

ain't broke don't fix it? Something along those lines, so.

**CHAIRMAN MONTANO:**

What does that mean, Ben?

**MR. ZWIRN:**

Just something real fast.

**CHAIRMAN MONTANO:**

All right. No, I'm going to recognize Leg •• the representative from the County Exec's office.

**MR. ZWIRN:**

I was the County Executive, I'm a Legislator, now I'm just nothing; I better speak quick. The County Executive would recommend not passing this legislation with what's been working. And I think Legislator Alden really laid it out, what happened was the County Executive's Office had really dropped the ball, it was the Legislator's way of trying to get back some control over the labor management process and trying to keep some of the contracts in line. This County Executive, his reputation precedes him and it's well deserved, but even though he will not give away the store, he would prefer that this bill still stay on the books.

**CHAIRMAN MONTANO:**

With that, we're going to call the vote. Motion to discharge without recommendation. All in favor? Opposed? Abstentions? Motion carries, ***Discharged Without Recommendation (VOTE: 7•0•0•0).***

### **Introductory Resolutions**

Moving on to the Introductory Resolutions.

***IR 1290•06 • Adopting Local Law No. 2006, a Local Law expanding volunteer firefighters and volunteer ambulance workers real***

***property tax exemptions (County Executive).***

**LEG. VILORIA•FISHER:**

Motion.

**MR. NOLAN:**

It has to be tabled.

**CHAIRMAN MONTANO:**

It has to be tabled for a public hearing. I'll second the motion.

All in favor? Opposed? Abstentions? ***Motion carries, tabled (VOTE: 7•0•0•0).***

***IR 1306•06 • To readjust, compromise and grant refunds and charge•backs on real property correction of errors by: County Legislature Control #745•2006 (County Executive).***

**LEG. ALDEN:**

Motion to approve and put on the consent calendar.

**LEG. COOPER:**

Second.

**CHAIRMAN MONTANO:**

All in favor? Opposed? Abstentions? Motion carries.

***Approved and placed on the consent calendar (VOTE: 7•0•0•0).***

***IR 1307•06 • To readjust, compromise and grant refunds and charge•backs on real property correction of errors by: County Legislature Control #746•2006 (County Executive).***

**LEG. COOPER:**

Same motion.

**CHAIRMAN MONTANO:**

Same motion, same second. All in favor? Opposed? Abstentions?

Motion carries. ***Approved and placed on the consent calendar***

**(VOTE: 7•0•0•0).**

***IR 1313•06 • To readjust, compromise and grant refunds and charge•backs on real property correction of errors by: County Legislature (County Executive).*** Same motion, same second. All in favor? Opposed? Abstentions? Motion carries. ***Approved and placed on the consent calendar (VOTE: 7•0•0•0).***

***IR 1320•06 • To readjust, compromise and grant refunds and charge•backs on real property correction of errors by: County Legislature Control #747•2006 (County Executive).*** Same motion, same second. All in favor? Opposed? Abstentions? Motion carries. ***Approved and placed on the consent calendar (VOTE: 7•0•0•0).***

***IR 1326•06 • To readjust, compromise and grant refunds and charge•backs on real property correction of errors/County Treasurer by: County Legislature No. 238 (County Executive).*** Same motion, same second.

All in favor? Opposed? Abstentions? Motion carries. ***Approved and placed on consent calendar (VOTE: 7•0•0•0).***

***IR 1350•06 • To readjust, compromise and grant refunds and charge•backs on correction of errors/County Treasurer by: County Legislature No. 240 (County Executive).*** Same motion, same second. All in favor? Opposed? Abstentions? Motion carries. ***Approved and placed on the consent calendar (VOTE: 7•0•0•0).***

***IR 1351•06 • To readjust, compromise and grant refunds and charge•backs on correction of errors/County Treasurer by: County Legislature No. 217 (County Executive).*** Same motion, same second. All in favor? Opposed? Abstentions? Motion carries. ***Approved and placed on the consent calendar (VOTE: 7•0•0•0).***

***IR 1403•06 • Resolution of the County of Suffolk, New York, residing the Bond Resolution No. 91•2006, adopted February 7, 2006, which authorized the issuance of \$250,000 bonds to finance a part of the cost of roof improvements/replacements at various***

***buildings at Suffolk County Community College (CP 2137)(County Executive).***

**LEG. COOPER:**

Motion to approve.

**CHAIRMAN MONTANO:**

Motion to approve by Legislator Cooper. Do I hear a second?

**LEG. D'AMARO:**

Second.

**CHAIRMAN MONTANO:**

Legislator D'Amaro.

**LEG. SCHNEIDERMAN:**

On the motion.

**CHAIRMAN MONTANO:**

On the motion, Legislator Schneiderman.

**LEG. SCHNEIDERMAN:**

Why on Earth are we rescinding this? We are trying to repair the roofs at the college, why would we not do that?

**CHAIRMAN MONTANO:**

I believe that the money is available, but I'll either let Counsel or the County Executive's Office respond; Counsel, you want to respond?

**MR. NOLAN:**

I think that when you look at the resolution, they've appropriated a greater amount for this purpose.

**LEG. SCHNEIDERMAN:**

They need it? Okay.



**MR. NOLAN:**

So they need to rescind this ••

**LEG. SCHNEIDERMAN:**

Okay, we're not abandoning the project.

**MR. NOLAN:**

No.

**CHAIRMAN MONTANO:**

No, not at all. All right, any other comments? On the question, all in favor? Opposed? Abstentions? Motion carries, ***Approved***  
***(VOTE: 7•0•0•0).***

**LEG. SCHNEIDERMAN:**

It's nice to see bids come in lower than expected for a change.

**CHAIRMAN MONTANO:**

***IR 1405•06 • Adopting No Frills Budget Plan to stabilize property taxes in 2007 by ensuring affordable County government (County Executive).***

I'm going to make a motion to table. Do I hear a second?

**LEG. SCHNEIDERMAN:**

Second.

**LEG. VILORIA•FISHER:**

Second.

**CHAIRMAN MONTANO:**

Second by Legislator Viloría•Fisher. On the motion? I will ask for a vote. All in favor of tabling? Abstentions? I'm sorry, opposition? Abstentions? ***Motion to table carries (VOTE: 7•0•0•0).***

***No Tabled Memorializing Resolutions.***

***Memorializing Resolutions***



***Memorializing Resolution No. 015•2006 • Memorializing Resolution in support of the United States Senate Bill (S.1103) to repeal the Individual Alternative Minimum Tax (Stern).***

**LEG. COOPER:**

Motion to approve.

**LEG. VILORIA•FISHER:**

Motion to approve by Legislator Cooper, seconded by Legislator Viloría •Fisher. Is there anyone who wants to cosponsor this?

**LEG. COOPER:**

Cosponsor, please.

**LEG. VILORIA•FISHER:**

Cosponsor.

**CHAIRMAN MONTANO:**

I would like to cosponsor, Legislator Viloría•Fisher, Legislator D'Amaro, Legislator Cooper. Legislator Lindsay, are you on that?

**P.O. LINDSAY:**

Yeah.

**CHAIRMAN MONTANO:**

Yeah, why not. How about the other side?

**LEG. LOSQUADRO:**

Put us all on.

**LEG. ALDEN:**

Put us all on.

**CHAIRMAN MONTANO:**

Are we unanimous cosponsorship?

**LEG. SCHNEIDERMAN:**

Sure.

**CHAIRMAN MONTANO:**

Sure. I feel the love. Okay, motion to approve? Yeah, motion to approve was made. On the motion, all in favor? Opposed? Abstentions? Motion carries. ***Approved (VOTE: 7•0•0•0).***

**Home Rule Messages**

***Home Rule Message No. 01•2006 • Home Rule Message requesting New York State Legislature to amend the Tax Law authorizing the County of Suffolk County to exempt motor fuel and diesel motor fuel from sales tax (Assembly Bill A.09184) (Romaine).***

**LEG. COOPER:**

Motion to table.

**LEG. SCHNEIDERMAN:**

Motion. I'll gladly explain the bill, so.

**CHAIRMAN MONTANO:**

All right, I have a motion to table by whom?

**P.O. LINDSAY:**

Me.

**LEG. COOPER:**

By me.

**CHAIRMAN MONTANO:**

No, actually Legislator Cooper was first. Legislator Viloría•Fisher can second the motion. On the motion, did you want to go first, Legislator Schneiderman?

**LEG. SCHNEIDERMAN:**

Yeah, let me explain. There is a State bill that would give the County the ability, if it wanted to, to eliminate or lower its portion of the sales tax on gasoline, whether it be a day, a week, a month. It doesn't actually take away the sales tax, it just gives us the ability to do that.

**CHAIRMAN MONTANO:**

I have a question, and this is probably •• I'll exercise the prerogative of the Chair. From BRO, is there any fiscal impact statements or real hard•core estimates that have been made with respect to the implications of this bill, were it to be approved and were the County in a position to decide to pass it? So what we're looking for is the fiscal impact of this bill should we decide to move on it in the future, because right now we have a motion to table; has that been done?

**MR. LIPP:**

No, but I can give you a number off the top of my head.

**LEG. ALDEN:**

Yes.

**CHAIRMAN MONTANO:**

All right, give us a number off the top of your head, but I'd like that number to be followed by a written estimate of where we're at and the basis upon which you derive your figures. We'd like to know •• but give me the figure off the top of your head.

**MR. LIPP:**

Okay. The portion of the sales tax that goes to the motor fuels is approximately \$60 million; that is based upon ••

**CHAIRMAN MONTANO:**

Sixty million?

**MR. LIPP:**

Sixty million dollars per year, that is based upon actual numbers from the State Department of Tax and Finance; that's not a hard number, that's off the top of my head.

**CHAIRMAN MONTANO:**

Yeah, that seems pretty firm too.

**MR. LIPP:**

I think it's 60 million and 12 cents, actually.

**CHAIRMAN MONTANO:**

Okay. I don't think we need that in writing. So we have a motion to table, is that correct? Motion to table. Any other comments on the motion before we take a vote?

**LEG. SCHNEIDERMAN:**

Again, I just want to be clear that this bill doesn't eliminate that \$60 million.

**CHAIRMAN MONTANO:**

We understand.

**LEG. SCHNEIDERMAN:**

It could be zero. It only gives you the future potential, whether it's this year, next year or never, to lower the sales tax on gasoline.

**CHAIRMAN MONTANO:**

We get it.

**LEG. SCHNEIDERMAN:**

Okay. Well, we need a Home Rule Message otherwise the bill can't get out of committee in Albany.

**LEG. ALDEN:**

Are you a sponsor?

**LEG. SCHNEIDERMAN:**

I am a sponsor on this. Can we discharge it without recommendation?

**CHAIRMAN MONTANO:**

No. Well, you can make a motion but there's a motion to table and a

second.

**LEG. SCHNEIDERMAN:**

Motion to discharge without recommendation.

**LEG. COOPER:**

Wait, what takes precedence?

**CHAIRMAN MONTANO:**

I don't know. First we need a second.

**LEG. VILORIA • FISHER:**

We have a second.

**CHAIRMAN MONTANO:**

No, no, no, he's making a motion to discharge without recommendation. Do I hear a second? Do I hear a second? No, there's no second.

**LEG. COOPER:**

Going once, going twice.

**CHAIRMAN MONTANO:**

So we have a motion to table on the table, I'm going to call for a vote. All in favor of tabling? Opposed?

**LEG. ALDEN:**

Opposed.

**LEG. SCHNEIDERMAN:**

Opposed to tabling.

**LEG. LOSQUADRO:**

Opposed.

**CHAIRMAN MONTANO:**

Legislator Alden and Legislator Schneiderman oppose, and Legislator Losquadro. Motion to •• and abstentions? ***Motion to table carries (VOTE:***

**4•3•0•0 Opposed: Legislators Alden, Schneiderman & Losquadro).**

And I believe I'm going to ask for a motion •• I'm going to make a motion to adjourn.

**LEG. COOPER:**

Second.

**CHAIRMAN MONTANO:**

Thank you. I don't think we need a second on that.

**(\*The meeting was adjourned at 11:16 A.M.\*)**

**Legislator Ricardo Montano, Chairman  
Budget & Finance Committee**

**\\_ \\_ • Denotes Spelled Phonetically**